

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

“Track One Cases”

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**NOTICE OF SERVICE OF DEFENDANT MALLINCKRODT’S
REPLY MEMORANDUM IN SUPPORT OF ITS MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Pursuant to the Directions Regarding Filing of Briefs Under Seal, ECF No. 1719, Mallinckrodt LLC, SpecGx LLC, and Mallinckrodt plc¹ (“Mallinckrodt”) hereby provide notice that on August 16, 2019, it served unredacted copies of the following documents on all Parties, the Court, and the Special Masters:

- Defendant Mallinckrodt’s Reply Memorandum in Support of its Motion for Partial Summary Judgment;
- Declaration of William T. Davison in Support of Defendant Mallinckrodt’s Motion for Partial Summary Judgment along with Exhibits 1 and 2; and
- Summary Sheet for Mallinckrodt’s Reply Memorandum In Support Of Its Motion for Partial Summary Judgment (also attached hereto as Exhibit A).

Dated: August 16, 2019

Respectfully submitted,

/s/ Brien O’Connor
Brien T. O’Connor
Andrew J. O’Connor
ROPES & GRAY LLP
Prudential Tower

¹ Mallinckrodt plc is an Irish company that is not subject to and contests personal jurisdiction for the reasons explained in its motion to dismiss for lack of personal jurisdiction; it is specially appearing for this motion, and, thus, it does not waive and expressly preserves its personal jurisdiction challenges.

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*Counsel for Defendants
Mallinckrodt LLC and SpecGx LLC, and
appearing specially for Mallinckrodt plc*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of August 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF System.

/s/ Brien T. O'Connor

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EXHIBIT A

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“Track One Cases”

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**SUMMARY SHEET FOR DEFENDANT MALLINCKRODT’S REPLY
MEMORANDUM IN SUPPORT OF ITS
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Filing Name: Defendant Mallinckrodt’s Reply Memorandum in Support of its Motion for Partial Summary Judgment

Filing Parties: Mallinckrodt LLC, SpecGx LLC, and Mallinckrodt plc¹

Summary: Plaintiffs have failed to identify any evidence that creates a dispute of fact regarding the three discrete issues on which Mallinckrodt seeks partial summary judgment:

1. The record contains no evidence that Mallinckrodt promoted its generic products to physicians, much less in a misleading manner.
2. Plaintiffs have failed to identify a single suspicious order Mallinckrodt shipped to any customer.
3. Plaintiffs have failed to develop any evidence that Mallinckrodt’s anti-diversion program was deficient after 2012. Indeed, Plaintiffs’ own purported experts declined to identify any inadequacies post-2012.

Instead, Plaintiffs fill their 27-page opposition brief with irrelevant statements and conclusory assertions designed to distract the Court from the actual issues raised in Mallinckrodt’s Motion for Partial Summary Judgment.

This Court should grant summary judgment to Mallinckrodt on (1) Plaintiffs’ marketing-based claims to the extent they are based on Mallinckrodt’s generic opioid products; and (2) all diversion-based claims at least as to the time period after 2012.

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